

FAI ADMINISTRATIVE PROCEDURES FOR CASES UNDER THE 2010 UNCITRAL ARBITRATION RULES

1. THE ARBITRATION INSTITUTE AS APPOINTING AUTHORITY

1.1 Pursuant to Article 1.2 of the Arbitration Rules of the Finland Chamber of Commerce (the “FAI Arbitration Rules”), the Arbitration Institute of the Finland Chamber of Commerce (the “Institute”) may be designated as appointing authority without subjecting the arbitration to the provisions contained in the FAI Arbitration Rules.

1.2 When designated to act as appointing authority under the UNCITRAL Arbitration Rules as revised in 2010 (the “UNCITRAL Arbitration Rules”), the Institute will perform upon request the following functions of an appointing authority:

- (a) appointment of arbitrators;
- (b) decisions on the challenge of arbitrators; and
- (c) replacement of arbitrators.

1.3 These FAI administrative procedures (the “Procedures”) supplement the provisions set out in the UNCITRAL Arbitration Rules. They are intended to provide additional guidance concerning the manner in which the Institute intends to perform the functions of an appointing authority under the UNCITRAL Arbitration Rules.

2. REQUEST FOR THE APPOINTMENT OF AN ARBITRATOR

2.1 A party requesting that the Institute appoint an arbitrator pursuant to articles 8, 9, 10 or 14 of the UNCITRAL Arbitration Rules shall submit a request for the appointment of an arbitrator (the “Request”) to the Institute in the number of copies required to provide one copy for each party and one for the Institute.

2.2 Upon filing the Request, the party shall pay the fee prescribed in Article 1 of Appendix I of these Procedures. If the party fails to pay the fee upon filing the Request, the Institute shall direct it to make the payment within the time limit set by the Institute. If the party fails to comply, the Institute may dismiss the Request.

2.3 The Request for the appointment of an arbitrator pursuant to articles 8, 9 or 10 of the UNCITRAL Arbitration Rules shall contain copies of the notice of arbitration and, if it exists, any response to the notice of arbitration, together with proof of payment of the fee prescribed in Article 1 of Appendix I of these Procedures.

2.4 The Institute shall transmit a copy of the Request and the attached documents to all other parties as soon as the party making the Request has supplied sufficient copies and paid the requisite fee.

3. APPOINTMENT OF A SOLE OR PRESIDING ARBITRATOR

3.1 When requested to appoint a sole or presiding arbitrator under articles 8.1 or 9.3 of the UNCITRAL Arbitration Rules, the Institute shall appoint a sole or presiding arbitrator as soon as possible provided that it is satisfied that an agreement authorizing it to make the appointment may exist.

3.2 In making the appointment, the Institute shall use the list-procedure as defined in article 8.2 of the UNCITRAL Arbitration Rules, unless the parties agree that the list procedure should not be used or unless the Institute determines in its discretion that the use of the list-procedure is not appropriate for the case.

3.3 Decisions on the appointment of arbitrators shall be made by the board of directors of the Institute (the "Board").

3.4 When appointing arbitrators, the Board shall consider:

- (a) any qualifications required of the arbitrator by the agreement of the parties;
- (b) the nature and circumstances of the dispute;
- (c) the nationality of the parties and of the prospective arbitrator;
- (d) the language of the arbitration, the seat of arbitration, and the law or rules of law applicable to the substance of the dispute; and
- (e) any other relevant circumstances.

3.5 If the parties are of different nationalities;

- (a) the sole arbitrator shall be of a nationality other than those of the parties; and
- (b) the presiding arbitrator shall be of a nationality other than those of the parties and party-appointed arbitrators,

unless otherwise agreed by the parties, or unless the Board in special circumstances determines that it is appropriate to appoint a sole or presiding arbitrator with the same nationality as any of the parties or party-appointed arbitrators.

4. APPOINTMENT OF THE SECOND OF THREE ARBITRATORS

4.1 Pursuant to article 9.1 of the UNCITRAL Arbitration Rules, if three arbitrators are to be appointed, each party shall appoint one arbitrator. The two arbitrators thus appointed shall choose the third arbitrator who will act as the presiding arbitrator of the arbitral tribunal.

4.2 In accordance with article 9.2 of the UNCITRAL Arbitration Rules, if the other party has not notified the first party of the arbitrator it has appointed within the prescribed time limit, the first party may request the Institute to appoint the second arbitrator. In making the appointment, the Institute will not use the list-procedure as defined in article 8.2 of the UNCITRAL Arbitration Rules but will exercise its discretion.

4.3 When making the appointment of the second arbitrator, the Institute shall take into account the principles described in Article 3.4 of these Procedures.

5. IMPARTIALITY AND INDEPENDENCE OF ARBITRATORS

5.1 In accordance with article 6.7 of the UNCITRAL Arbitration Rules, when appointing arbitrators, the Institute shall have regard to such considerations as are likely to secure the appointment of independent and impartial arbitrators.

5.2 Pursuant to article 11 of the UNCITRAL Arbitration Rules, when a person is approached in connection with his/her possible appointment as an arbitrator, he/she shall disclose any circumstances likely to give rise to justifiable doubts as to his/her impartiality or independence. In addition, the prospective arbitrator shall submit to the Institute a signed statement of impartiality and independence (the "Statement") in the form prescribed by the Institute. The Institute shall transmit a copy of the Statement to all parties and other arbitrators (if any).

5.3 An arbitrator, from the time of his/her appointment and throughout the arbitral proceedings, shall without delay disclose to the parties and other arbitrators (if any) any circumstances referred to in Article 5.2 above, unless they have already been informed by him/her of these circumstances.

6. CHALLENGE OF ARBITRATORS

6.1 Pursuant to article 12 of the UNCITRAL Arbitration Rules, any arbitrator may be challenged if circumstances exist that give rise to justifiable doubts as to the arbitrator's impartiality or independence. However, a party may challenge the arbitrator appointed by it only for reasons of which it becomes aware after the appointment has been made.

6.2 A party requesting a decision on the challenge by the Institute in accordance with article 13 of the UNCITRAL Arbitration Rules shall submit a written notice of challenge (the "Notice of Challenge") to the Institute in the number of copies required to provide one copy for each party, one for each arbitrator, and one for the Institute. The Notice of Challenge shall state the reasons for the challenge and specify the date on which the party became aware of the circumstances on which the challenge is based.

6.3 The Notice of Challenge shall be accompanied by proof of payment of the fee prescribed in Article 2 of Appendix I of these Procedures. If the party fails to pay the fee upon filing the Notice of Challenge, the Institute shall direct it to make the payment within the time limit set by the Institute. If the party fails to comply, the Institute may dismiss the Notice of Challenge.

6.4 The Institute shall transmit a copy of the Notice of Challenge to the arbitrator being challenged, the other arbitrators (if any) and the other parties, and set a time limit within which they may submit comments on the Notice of Challenge, as soon as the party making the Notice of Challenge has supplied sufficient copies and paid the requisite fee.

6.5 Decisions on challenges shall be made by the Board. The Board has no obligation to state reasons for its decision.

7. REPLACEMENT OF AN ARBITRATOR

7.1 Where an arbitrator has to be replaced during the course of the arbitral proceedings, the Institute shall appoint a substitute arbitrator pursuant to the procedure provided for in article 14 of the UNCITRAL Arbitration Rules and in Articles 2 to 5 of these Procedures.

These Procedures are in force as of 1 February 2016. They are applied in cases where the Institute is acting as appointing authority under the UNCITRAL Arbitration Rules as revised in 2010. The Procedures supplement the provisions of the UNCITRAL Arbitration Rules.

APPENDIX I: FEES FOR THE INSTITUTE'S SERVICES AS APPOINTING AUTHORITY

1. FEE FOR THE APPOINTMENT OF AN ARBITRATOR

1.1 A fee of EUR 3,000 must be paid upon filing a request for the appointment of an arbitrator pursuant to Articles 2, 3, 4 and 7 of the Procedures.

2. FEE FOR DECISIONS ON CHALLENGES

2.1 A fee of EUR 3,000 must be paid upon filing a request for a decision on the challenge of arbitrator pursuant to Article 6 of the Procedures.

3. PAYMENT OF FEES

3.1 Payment of fees for the Institute's services shall be made by transfer to the bank account of the Finland Chamber of Commerce.

3.2 All fees are non-refundable.